



June 7, 2002

Mr. Kuruvilla Oommen  
Assistant City Attorney  
City of Houston  
P.O. Box 1562  
Houston, Texas 77251-1562

OR2002-3087

Dear Mr. Oommen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 163982.

The City of Houston (the "city") received a request for a copy of "all proposals under TC-0-0767-027-12900." The city takes no position with regard to release of the information regarding Lotepro Corporation ("Lotepro"), an interested third party. However, you believe that the requested information may be excepted from disclosure under sections 552.101, 552.110, 552.113, and 552.131 of the Government Code. You notified Lotepro of the request for information pursuant to section 552.305 of the Government Code. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (determining that statutory predecessor to Gov't Code § 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in Open Records Act in certain circumstances).

We believe that a prior ruling, Open Records Letter No. 2002-2615 (2002), answers your question concerning whether this information is excepted from public disclosure under section 552.101 of the Government Code. From our review of the request and the submitted information, we find that the current request encompasses the information that was at issue in your previous request for a decision. In our previous decision concerning this information, Open Records Letter No. 2002-2615, we found that the city must release the information

relating to Lotepro. Because the four criteria for a "previous determination" established by this office in Open Records Decision No. 673 (2001) have been met, the city may rely on Open Records Ruling No. 2002-2615 to release the requested information.<sup>1</sup>

If you have any questions about this ruling, please contact our office.

Sincerely,



W. Montgomery Meitler  
Assistant Attorney General  
Open Records Division

WMM/sdk

Ref: ID# 163982

Enc: Submitted documents

c: Mr. Jay W. Zotter  
Account Manager  
Air Products and Chemicals, Inc.  
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Allentown, PA 18195-1501  
(w/o enclosures)

Mr. Hans Kistenmacher  
President  
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Mount Pleasant Corporate Center  
115 Stevens Avenue  
Valhalla, New York 10595  
(w/o enclosures)

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<sup>1</sup>The four criteria for this type of "previous determination" are 1) the records or information at issue are precisely the same records or information that were previously submitted to this office pursuant to section 552.301(e)(1)(D) of the Government Code; 2) the governmental body which received the request for the records or information is the same governmental body that previously requested and received a ruling from the attorney general; 3) the attorney general's prior ruling concluded that the precise records or information are or are not excepted from disclosure under the Act; and 4) the law, facts, and circumstances on which the prior attorney general ruling was based have not changed since the issuance of the ruling. See Open Records Decision No. 673 (2001).